

## REMARKS

Claims 1-21 are pending in this application, claims 1, 11 and 21 being the independent claims.

### **Rejection Under 35 U.S.C §102(b) and §103(a)**

Claims 1-6, 9-16, 19-21 stand rejected under 35 U.S.C. 102(b) as being anticipated by Kalluri et al. (“Kalluri”), U.S. Patent No. 5,937,331. In addition, claims 7-8 and 17-18 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Kalluri in view of Pietraszak et al. (“Pietraszak”), U.S. Patent No. 6,847,779. These rejections are hereby traversed for at least the following reasons.

Turning to the claims, claim 1 is directed to a method for recording a broadcast program. The method includes receiving a transport packet stream in which the program is embodied. The transport packet stream includes an indicator denoting a time at which the program ends. The transport packet is electronically stored and the indicator from the transport packet stream is extracted. The extracted indicator is decoded and the step of electronically storing the transport packet stream is terminated in accordance with the time denoted by the indicator. As discussed in Applicants’ specification, in some embodiments the method of claim 1 may be performed by an end user device such as digital video recorder (DVR) system or a DVR subsystem that is incorporated in a set top terminal.

Kalluri shows in figure 1 a remote network 10 for transmitting an interactive television program via satellite to a broadcast station 50. Before transmitting the television program, the remote network 10 inserts trigger commands within the vertical blanking intervals (VBIs) of the television signal to control the loading and playing of the program at the broadcast station 50 (see column 2, lines 24-41 of Kalluri). The broadcast station receives and demodulates the television signal and extracts the trigger. The extracted trigger is used to control the loading (queuing) or playing of the program associated with the trigger. In particular, as illustrated in Figures 7 and 8 of Kalluri, the broadcast station uses the trigger to determine when to stop, pause and play the program when it is being transmitted to a set-top box (see column 8, line 52 – column 9, line 10 of Kalluri).

The Examiner asserts that Kalluri shows the receipt of the claimed transport packet stream that includes a program and an indicator denoting a time at which the program ends. However, as noted above, the trigger employed by Kalluri is used by the broadcast station 50 to determine when to stop, pause and play the program as it is being transmitted to a set-top terminal. Kalluri does not state that the trigger may be used to denote the time at which the program ends, as required by claim 1.

In addition, Kalluri does not even show the claimed transport packet stream. Rather, in Kalluri, the broadcast station 50 receives an analog television signal from the remote network 10 (see column 7, lines 60-64). Since the television signal is analog, packets are not employed.

Accordingly, since Kalluri does not show or suggest a transport packet stream, nor an indicator denoting a time at which the program ends, claim 1 and the claims that depend therefrom are believed to patentable over Kalluri, alone or in combination with Pietraszak.

The Examiner also asserts that Kalluri shows *terminating the step of electronically storing said transport packet stream in accordance with the time denoted by said indicator*, as set forth in claim 1. Applicants respectfully disagree. In Kalluri the broadcast station 50 transmits the program to a set-top box. The trigger is used to determine when to pause, stop and play the program during the transmission process. The broadcast station does not use the indicator to terminate storage of the program. In other words, the broadcast station stores or buffers the program when it is received from the remote network; the indicator is only used to determine when and how it is forwarded on to the set-top box. Accordingly, for at least this additional reason, claim 1 and the claims that depend therefrom are believed to patentable over Kalluri, alone or in combination with Pietraszak.

Independent claims 11 and 21 as well as the claims that depend therefrom are believed to be patentable for at least the same reasons presented above in connection with claim 1.

## **CONCLUSION**

Applicant submits that all of the claims are now in condition for allowance, an indication of which is respectfully solicited. If the Examiner believes there are still unresolved issues, a telephone call to the undersigned would be welcomed.

**FEES**

The Commissioner is authorized to charge any fees that may be due and owing as a result of this Amendment to the undersigned attorney's PTO Deposit Account #50-1047.

Respectfully submitted,

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